

REMARKS

Status of the Claims.

Claims 3-8 are pending with entry of this amendment, claims 1-2 and 9-10 being cancelled and no claims being added herein. Claims 3-8 are amended herein. These amendments introduce no new matter. Support is replete throughout the specification and in the claims as filed..

Restriction Requirement.

In the May 5, 2003 Office Action the Examiner required restriction to one of the following groups under 35 U.S.C. §121:

- Group I: Claims 1-2, drawn to a method of inhibiting melanocyte cells using a melanocortin receptor antagonist;
- Group II: Claims 3-7, drawn to a method of treating melanoma using peptide (a);
- Group III: Claims 3-7, drawn to a method of treating melanoma using peptide (b);
- Group IV: Claims 3-7, drawn to a method of treating melanoma using peptide (c);
- Group V: Claims 3-7, drawn to a method of treating melanoma using peptide (d);
- Group VI: Claims 9-10, drawn to a method of modulating the activity of a melanocortin receptor using the 83-132 fragment of agouti protein;

In response to this restriction requirement, Applicants elect Group II, claims 3-7.

Applicants note, however, that the claims of the elected Group have been amended so that they are composition rather than method claims.

The Examiner also required election of a single species for the purposes of initial search for examination on the merits. In response, Applicants initially elect the species recited in Claim 8 (p-anisoyl-[D-Arg^{6,9}, D-Lys¹¹, D-Leu¹²] dynorphin A(6-12)-NH₂.

Applicants note that this is an election of species. Applicants further recognize that, per MPEP §809.02(c), to the extent all species fall within the limitations of a generic claim ultimately determined to be patentable, the non-elected species will no longer be deemed to be withdrawn and claims to the additional non-elected species will be considered by the Examiner. With respect to the listing of claims readable on the elected species, Applicants note that claims 3-7 are readable on the elected species.

App. No: 09/849,592
Page 5

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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document2